

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-8 and 13-16 have been rejected. Claims 1 and 14-15 have been amended. No new matter has been added. Claims 1-8 and 13-16 will therefore be pending in this application upon entry of this Reply and Amendment.

Claim Rejections – 35 U.S.C. § 112

In Section 4 of the Office Action, the Examiner rejected Claims 1-8 and 13-16 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 1 has been amended and no longer recites an “intermediate space.”

Claim 14 has been amended to recite “the first section of the pole shank and the pole sleeve are configured so that an intermediate space is formed between the first section of the pole shank and the pole sleeve when the pole shank is inserted into the pole sleeve.”

Claim 15 depends from Claim 14 (and further defines Claim 14) and recites that a “lead solder [is] provided in the intermediate space to electrically conductively connect the first section to the pole sleeve.”

Applicant respectfully asserts that Claims 1-8 and 13-16 are definite and in compliance with 35 U.S.C. § 112 ¶ 2. One of ordinary skill in the art would recognize that having an “intermediate space” does not require that the “intermediate space” be filled. For example, a container may have a space (e.g., for holding a beverage). The space of the container exists whether or not the container is filled.

Therefore, the Applicant respectfully requests withdrawal of the rejection of Claims 1-8 and 13-16 under 35 U.S.C. § 112 ¶ 2.

Claim Rejections – 35 U.S.C. § 103(a)

In Section 7 of the Office Action, Claims 1-8 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,410,610 titled “Pole Bushing For Batteries” to Quist (“Quist”) in view of U.S. Patent No. 6,309,429 titled “Lead Acid Storage Battery and Method of Bonding Battery Cell Terminal Posts and Bushings” to Lund et al. (“Lund”).

Quist is directed to a “pole bushing for batteries” including a “sleeve 1 of metal, which is embedded in a sealing material 2 to form a sealing element with external 3 and internal 4 surfaces for making direct contact with the battery cover 5 and a post 6 extending through the cover 5.” See Quist at Col. 2, lines 7-12 and Fig. 3.

Lund is directed to a “lead acid storage battery and method of bonding battery cell terminal posts and bushings” including “a cover 20 having terminal bushings 21 mounted therein with terminal posts 22 of the battery cell elements extending upwardly through respective bushings 21.” See Lund at Col. 3, lines 6-9 and Fig. 3.

Claim 1 is in independent form and recites a “rechargeable battery” comprising, in combination with other elements, a “sliding element provided between the second section of the pole shank and the inner surface of the pole sleeve such that the inner surface of the pole sleeve is not in contact with the pole shank.” Claims 2-8 and 13-16 depend from independent Claim 1.

The “rechargeable battery” recited in independent Claim 1 would not have been obvious in view of Quist, alone or in any proper combination with Lund, under 35 U.S.C. § 103(a). Quist, alone or in any proper combination with Lund, does not disclose, teach, or suggest a “rechargeable battery,” comprising, in combination with other elements, a “sliding element provided between the second section of the pole shank and the inner surface of the pole sleeve such that the inner surface of the pole sleeve is not in contact with the pole shank.”

For example, Quist shows in FIG. 3 that the “sleeve 1” is in direct contact with the “post 6” and is “intended for rigid metallic connection to the post 6.” See Quist at Col. 2, lines 21-22 and Fig. 3. The Applicant also notes that the “sealing material 2” of Quist is not the same as the “sliding element” (of Claim 1). Rather, the “sealing material 2” of Quist provides a seal between the “sleeve 1” and “post 6” (see Quist at col. 2, lines 14-17), as opposed to the “sliding element” (of Claim 1) that “makes it relatively simple to fit a pole sleeve to a pole shank” and “largely avoids damage to the pole shank and/or to the pole sleeve when the pole sleeve is pushed onto the pole shank.” See present disclosure at paragraphs [0015] and [0016]. Therefore, Quist does not disclose, teach, or suggest a “sliding element provided between the second section of the pole shank and the inner surface of the pole sleeve such that the inner surface of the pole sleeve is not in contact with the pole shank” as recited in Claim 1.

Lund also does not disclose, teach, or suggest a “sliding element,” let alone a “sliding element provided between the second section of the pole shank and the inner surface of the pole sleeve such that the inner surface of the pole sleeve is not in contact with the pole shank” as recited in Claim 1.

To transform the “pole bushing for batteries” of Quist and the “lead acid storage battery and method of bonding battery cell terminal posts and bushings” of Lund into a “rechargeable battery” (as recited in Claim 1) would require still further modification, and such modification is taught only by the Applicant’s own disclosure. The suggestion to make the combination of Quist and Lund has been taken from the Applicant’s own specification (using hindsight), which is improper.

The “rechargeable battery” recited in independent Claim 1, considered as a whole, would not have been obvious in view of Quist and/or Lund. The rejection of Claim 1 over Quist in view of Lund under 35 U.S.C. § 103(a) is improper. Therefore, Claim 1 is patentable over Quist in view of Lund.

Claims 2-8 and 13-16, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 1-8 and 13-16 under 35 U.S.C. § 103(a).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicant requests consideration and allowance of all pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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